THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 10594 of 2005

Dated: 19-10-2005

Between:

K.Satyanarayana

..... PETITIONER

AND

The District Co-operative Officer. Eluru and

four others.

.....RESPONDENT

THE HON'BLE MS JUSTICE G.ROHINI

–

WRIT PETITION NO : 10594 of 2005

O R D E R:

When the vacate petition is listed for hearing, with the consent of the learned counsel for both the parties, the writ petition itself is heard and decided.

The petitioner, who is the Secretary of Primary Agricultural Co-operative Society, Mogalturu, Mogalturu Mandal, West Godavari District, seeks to declare the proceedings of the first respondent, dated 19-042005, whereunder an enquiry under Section 51 of the A.P. Co-operative Societies Act 7 of 1964 (for short 'the Act') has been initiated, as arbitrary and illegal.

It is primarily contended by the petitioner is that the proposed enquiry under Section 51 of the Act, which was initiated on a complaint of the ex-president along with 14 members of the Society, is not in consonance with the provisions of Act which require that at least 1/5th of the total members of the Society shall make a representation to initiate enquiry under Section 51 of the Act.

However, in the counter-affidavit, filed by the second respondent-Deputy Registrar of Co-operative Societies, Bhimavaram, it is stated that the first respondent received certain allegations against the petitioner and accordingly ordered preliminary enquiry by the Sub-Divisional Co-operative Officer, Narsapur. In pursuance thereof a report has been received from the Sub-Divisional Co-operative Officer, Narsapur and on the basis of the same, first respondent has come to a conclusion that the petitioner has committed certain irregularities and accordingly ordered enquiry suo motu under Section 51 of the Act.

A mere perusal of Section 51 of the Act makes it clear that the enquiry can be initiated by the Registrar on his own motion or on an application by the Society in the manner specified thereunder.

It is not in dispute that the first respondent is the competent authority to initiate enquiry under Section 51 of the Act. Since it is clear from the counter-affidavit filed on behalf of the respondents that the enquiry under Section 51 of the Act has been initiated *suo motu* by the first respondent, I do not find any substance in the contention of the petitioner that the impugned order is not in

consonance with the provisions of Section 51 of the Act.

Accordingly, the writ petition is dismissed. However, the first respondent is directed to complete the enquiry initiated under the impugned order and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. No costs.

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G.ROHINI,J

19-10-2005

klp/ghn